

shall not make such order for inspection of such documents when and so far as the Court or Judge shall be of opinion that it is not necessary either for disposing fairly of the cause or matter or for saving costs.

Rule 19A (3). The Court or a Judge may, on the application of any party to a cause or matter at any time, whether an affidavit of documents shall or shall not have already been ordered or made, make an order requiring any other party to state by affidavit whether any one or more specific documents, to be specified in the application, is or are, or has or have at any time been in his possession or power; and, if not then in his possession, when he parted with the same, and what has become thereof. Such application shall be made on an affidavit stating that in the belief of the deponent the party against whom the application is made has, or has at some time had in his possession or power the document or documents specified in the application, and that they relate to the matters in question in the cause or matter, or to some of them.

The latter Rule is more especially applicable to those cases in which your opponent has omitted reference to a particular document in his affidavit of documents, or has denied that a particular document is in his possession or power.

Finally, the Master has the power of requiring the production of any material document on oath, at any stage of the proceedings, by virtue of Rule 14 of Order XXXI.

Rule 14. It shall be lawful for the Court or a Judge, at any time during the pendency of any cause or matter, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such cause or matter as the Court or Judge shall think right, and the Court may deal with such documents, when produced, in such manner as shall appear just.

When the solicitor instructing you has thus effected and taken copies of the documents in your opponent's possession, and so prevented your being surprised by the production at the trial of unexpected documentary evidence, your next step will be to ensure that you shall be able to give evidence at the trial of the original documents in your opponent's possession, which assist your case.